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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/754,144	01/05/2001	Hiroshi Ueda	2000_1771A	3462

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EXAMINER

ORTIZ, JORGE L

ART UNIT	PAPER NUMBER
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2697

DATE MAILED: 04/11/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/754,144

Applicant(s)

UEDA ET AL.

Examiner

Jorge L Ortiz-Criado

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-13 is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- ☐ Interview Summary (PTO-413) Paper No(s) ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "101" and "105" have both been used to designate the outer part of the disk on Fig. 1A. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 5 is rejected under 35 U.S.C. 102(e) as being anticipated by Yamada et al U.S. Patent. No. 6,141,483.

Yamada et al. discloses an information recording disc having a lead-in area for recording control information for a reproducing apparatus by unevenness (See col. 7, lines 31-57)

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and a data recording area for recording user data (See col. 7, lines 31-57), wherein a unique identifier indicative of a disc for initializing regional control information for restricting a region enabling reproduction of the user data is recorded in the lead-in area (See col. 7, lines 31-57).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada et al., U.S. Patent No. 6,141,483 in view of Oshima et al. U.S. Patent No. 5,761,301.

Regarding claim 1, Yamada et al. discloses an information recording disc having an area for recording control information for a reproducing apparatus (See col. 7, lines 31-57) and a data recording area for recording user data (See col. 7, lines 31-57), wherein the area includes at least one control information area (See col. 7, lines 31-57)

But Yamada fails to disclose the feature of having the control information for a reproduction apparatus included in the burst cutting area, by removing a reflective layer of the disc in a striped shape.

However this feature is well known in the art as evidenced by Oshima et al., which discloses a burst cutting area, by removing a reflective layer of the disc in a striped shape for recording control information for a reproducing apparatus (See col. 2, lines 3-15; col. 2, lines 27-36; Figs. 1, 5, 27A, 30A), in order to obtain piracy prevention and also when playing back the optical disk on a reproduction apparatus, the burst cutting area data can be played back using the same optical pickup.

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to include a burst cutting area, by removing a reflective layer of the disc in a striped shape for recording control information for a reproducing apparatus including an application identifier area for identifying applications of control data; a data length area for indicating data length of the control data; and an application specific data area for recording the control data in order to obtain piracy prevention and also when playing back the optical disk on a reproduction apparatus, the burst cutting area data can be played back using the same optical pickup in order to obtain piracy prevention and also when playing back the optical disk on a reproduction apparatus, the burst cutting area data can be played back using the same optical pickup.

Regarding claim 2, Yamada et al. further discloses wherein a unique identifier indicative of a disc for initializing regional control information for restricting a region enabling reproduction of the user data is recorded in the application identifier area of the BCA control information area (See col. 7, lines 31-57).

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Regarding claim 3, Yamada et al. further discloses wherein a disc identifier code capable of uniquely identifying the information recording disc is recorded in the application specific data area of the BCA control information area (See col. 7, lines 31-57).

Regarding claim 4, Yamada et al. further discloses wherein a disc identifier code capable of uniquely identifying the information recording disc is recorded in the application specific data area of the BCA control information area (See col. 7, lines 31-57).

Allowable Subject Matter

5. Claims 6-13 are allowed.

Reasons for Allowance

6. The following is an examiner's statement of reasons for allowance.

Applicant's claimed invention is deemed allowable over the prior art of record as the prior art fails to teach or suggest either alone or in combination, an information reproducing drive for reproducing data from a removable information recording medium for recording digital contents having copyright and disc region information indicative of a specific region permitting reproduction of the digital contents, comprising: an installation region information storage means for storing installation region information for specifying a region in which the information reproducing drive is installed; a regional information setting counter which is updated each time

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the installation region information storage means is changed by a drive user; a manufacturer initialization counter which is updated each time the regional information setting counter is initialized by a drive manufacturer; a regional comparing means which delivers a regional coincidence signal upon detection through comparison that the disc region information read from the information recording medium is coincident with the installation region information stored in the installation region information storage means; a reproduction control means which reproduces the digital contents from the information recording medium only when the regional comparing means has delivered the regional coincidence signal; an initialization medium decision means for deciding whether or not the loaded information recording medium is a drive manufacturer initialization medium; a regional information updating means which updates, upon receipt of a command of update of the installation region information from the drive user, the installation region information storage means and the regional information setting counter; and a manufacturer initialization means which, upon receipt of a command of drive manufacturer initialization from the drive manufacturer, initializes the regional information setting counter and updates the manufacturer initialization counter only in case the initialization medium decision means decides that the loaded information recording medium is the drive manufacturer initialization medium and a count of the manufacturer initialization counter is not an initialization limit value.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to information recording disc and information reproducing system.
- a. U.S. Patent No. 5,809,007 to Takemura et al., which discloses an optical disk reproduction apparatus.
 - b. U.S. Patent No. 6,002,657 to Furukawa et al., which discloses an apparatus for reading an optical disk.
 - c. U.S. Patent No. 5,671,202 to Brownstein et al., which discloses an optical storage disk and an optical storage system.
 - d. U.S. Patent No. 6,418,111 to Takemura et al., which discloses an optical disk.
 - e. U.S. Patent No. 5,382,776 to Arie et al., which discloses an optical disk and optical disk playback.
 - f. U.S. Patent No. 6,034,934 to Miyake et al., which discloses a disc reproduction apparatus.
 - g. U.S. Publication No. 2002/0085466 to Shim, which discloses a disk having a unique code.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jorge L Ortiz-Criado whose telephone number is (703) 305-8323. The examiner can normally be reached on Mon.-Thu. (8:30 am - 6:00 pm), Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, HOFS SS R JEFFERY can be reached on (703) 305-4717. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-6743 for regular communications and (703) 308-6743 for fter Final communications.

ny inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

joc
pril 23, 2003


Richemond Dorvil
Primary Examiner